REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-12, 14-15, 17-18, and 20 are currently pending. Claims 13, 16, and 19 are hereby canceled. Claims 1, 12, 15, and 18 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II.   REJECTIONS UNDER 35 U.S.C. §102

Claims 1-20 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent Application Publication No. 2002/0143855 of Traversat et al. (hereinafter, merely "Traversat").

Applicant respectfully traverses this rejection.

Independent claim 1 is representative and recites, *inter alia*:

"... each peer system is either a participant or a spectator and the peer-to-peer network includes at least one participant and at least one spectator

...

wherein the spectator is not authorized to generate new data to be relayed in the peer-to-peer network and the spectator is not authorized to send the new data to be relayed throughout the peer-to-peer network" (emphases added)

Applicant's representative thanks the Examiner for providing a clear correspondence between the elements of the present invention and the cited reference. Of course, Applicant disagrees with the characterization the cited reference and as reading on the present invention.

In the present invention, each peer in the peer-to-peer (P2P) network is either a "participant" or a "spectator," not both. A "participant" is enabled to generate messages for relay throughout the P2P network and send the generated messages to other peers and spectators for relay throughout the P2P network.

However, a "spectator" in the present invention cannot (1) generate a new message for relay to the P2P network, and cannot (2) send the new message to other peers in the P2P network.

That is, the peers in a P2P grid are classified as "participants" or "spectators." A participant peer generates new messages to be relayed throughout the grid. A spectator peer does not generate new messages and acts as a pass-through node in the grid. The spectator peer does not send the generated new messages to the P2P grid. Both participants and spectators relay messages to their connected peers according to the relay rules of the grid.

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When a peer joins a P2P grid, the peer joins the grid as a participant or as a spectator. If the peer joins the grid as spectator, <u>the spectator peer is not authorized to create new messages and send the new messages into the grid to be relayed throughout the grid</u>. <u>If a spectator generates a new message and sends the new message to the peers connected to the spectator, the peers receiving the new message from the spectator will not forward or relay the received message</u>. Publ. App. pars [0127]-[0130] and FIG. 22.

The Office Action, on page 3 at par. (c), points to Traversat pars. [0112] and [0456]. However, those paragraphs do not describe the elements of claim 1 as amended.

First Traversat at par. [0112] states:

"The term relay peer (synonymous with router peer) may be used to describe a peer that provides a mechanism for crossing one or more regions and that is designated to be a relay or router between the regions. Relay peers may be used to route messages between different network protocols (e.g. TCP/IP, IrDA) or to peers that are behind firewalls. In one embodiment, any or all peer members may become relay peers. In one embodiment, peer groups may have different policies to authorize a peer to become a relay peer for other peers."

Traversat is only describing relay peers as a peer that enables routing between networks. While this reads on one aspect of the present invention's "spectator" peer, there is <u>no suggestion</u> the relay peers of Traversat are can not also be "participants" as used in the present invention That is, the relay peers of Traversat are not described as not being able to generate their own messages and forward those messages throughout the network. In contrast, "spectators" in the present invention, can <u>not</u> generate their own messages and can <u>not</u> propagate their own messages throughout the network.

Second, Traversat at par. [0456] states:

"The peer-to-peer platform may provide one or more methods for traversing fireballs. FIG. 20 illustrates traversing a firewall 248 in a virtual private network when access is initiated from outside only according to one embodiment. Peers 200 on either side of the firewall 248 may each belong to one or more peer groups. In one embodiment, entry may be restricted to peers 200 with access privileges. In this example, peers 200A and 200B have access privileges, but peer 200C does not. Thus, peers 200A and 200B may access peers 200D and 200E through firewall 248. Thus, peers 200A and 200B may access peers 200D and 200E through firewall 248. In one embodiment, HTTP "tunnels" may be used, with proxies 246 in the "DMZ" of the firewall 248."

First, Traversat is describing that some peers have access privileges across certain network boundaries while others do not. In the example of Traversat's FIG. 20, only peers 200A and 200B, but not 200C can relay messages through proxy 246 to peers 200D and 200E. There is no suggestion that either peers 200 or proxy 246 are <u>not</u> authorized to generate a message or <u>not</u> authorized to propagate that message through the system.

Second, there is no suggestion that Traversat requires the peers to be either a "participant" or a "spectator," as defined in the present application. That is, peers 200 are not restricted to either being a "participant" that both generates new messages and relays received messages or a "spectator" that relays received messages but does not generate their own new messages and does not send their own messages on the network. Even Traversat's peer 200C is not described as being unable to generate a new message. Although such message from peer 200C can not reach peers 200D and 200E, there is no suggestion such a message is not generated or such message is not relayed to other peers. Indeed, Applicant is not certain whether peer 200C is a "participant" or a "spectator." peer.

Claim 1, as amended, is believed patentable over Traversat because that reference does not disclose each and every limitation recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 12, 15, and 18 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-12, 14-15, 17-18, and 20 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: _____
Paul A. Levy
Reg. No. 45,748
(212) 588-0800